

REMARKS ARGUMENTS

Reconsideration of the above-identified application is respectfully requested. Claims 30-34 continue to be allowed. Claims 37-38 have been canceled. Claims 35-36 remain with Claim 35 having been amended.

Claim Rejection – 35 U.S.C. § 112

Claims 37 and 38 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 37 and 38 have been canceled. Thus, this rejection is now moot.

Claim Rejection – 35 U.S.C. § 103

Claims 35-36 are rejected under 35 U.S.C. 103(a) as obvious over *Posa, et al.* (US 6,767,628 B1).

Claim 35 has been amended to include the limits of Claim 37, which was not rejected on prior art. Therefore, Claim 35, and Claim 36 dependent thereon, should now be allowed. Additionally, Claim 35, as amended, distinguishes over *Posa, et al.* The *Posa, et al.* patent is directed to a “transparent tape [that] includes a material which enhances the visibility of a newly formed edge. The material can include a fluorescent dye disposed in the tape, or can be a material which reacts with oxygen, moisture or some other component of the ambient atmosphere to render the edge more visibly evident.” See, *Abstract*.

As set forth in Claim 35, the color former that is present at the tear site is “exposed to a color developer at said tear site and said color former reacts with said color developer to form a demarcation line.” Further, Claim 35 now requires that the second layer is separate from the first layer. On the other hand, *Posa, et al.* teach only that fluorescent materials are color formers that reach with oxygen. *Posa, et al.*'s reference to reaction of the color former with water that is present in the ambient atmosphere also teaches oxidation of the color former since it is apparent from reading *Posa, et al.* that the water vapor in the atmosphere lends oxygen to the reaction. *Posa, et al.*, therefore do not present a color developer that is present in a separate layer as required by amended Claim 35.

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It is respectfully submitted that Claims 30-38 are now in condition for allowance. Such action is earnestly solicited.

Respectfully submitted,

/Ernest B. Lipscomb, III/

Ernest B. Lipscomb, III
Attorney for Applicants
Registration Number 24,733

Customer No. 40842
Barnwell Whaley Patterson & Helms, LLC
P.O. Drawer H
Charleston, SC 29402-0197
Phone: (843) 577-7700
Fax: (843) 577-7708

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